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12
13 IN THE UNITED STATES DISTRICT COURT
14
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 CASE NO.: 2:20-MC-00286-TLN-CKD

18 Plaintiff,

19 v.

20 MICHAEL MCCREE,

21 Defendant,

22 PATELCO CREDIT UNION,
23 (and its Successors and Assignees),

24 Garnishee.

25
26
27
28 **STIPULATION FOR FINAL ORDER OF
GARNISHMENT OF BANK ACCOUNTS;
AND ORDER**

29
30 The United States initiated a garnishment action against the accounts defendant Michael McCree
31 (McCree) and his wife, Debra McCree, aka Debra Fields (collectively, the McCrees), maintain at
32 garnishee Patelco Credit Union (Patelco). ECF No. 3, Writ of Continuing Garnishment (the Writ). The
33 United States initiated the action to enforce the unpaid judgment entered against McCree on September
34 27, 2018 in criminal case number 2:12-cr-000279-TLN. ECF No. 124. McCree's judgment balance at
35 the time the Clerk of Court issued the Writ was \$109,943.59 (the Judgment Balance).

36
37 The signatories hereto agree and stipulate to the garnishment of the McCrees' Patelco savings
38 and checking accounts as follows:

39 1. The United States' garnishment action is an authorized remedy under the Federal Debt
40

1 Collection Procedures Act 28 U.S.C. §§ 3001 – 3308 (FDCPA) to recover a judgment on a debt. 28
 2 U.S.C. § 3205(a).

3. Garnishee Patelco has in its possession, custody, and control, the following property
 4 belonging to the McCrees (the Accounts):

<u>Account No.</u>	<u>Property Type</u>	<u>Approximate Amount</u>	<u>Owner</u>
xxxx-68-00	Savings	\$11,316.81	Michael McCree
xxxx-68-10	Checking	\$1,279.81	Michael McCree
xxxx-38-00	Savings	\$54,961.98	Debra Fields
Total		\$67,558.60	

10
 11 ECF No. 6, Acknowledgement of Service and Answer of Garnishee.

12. McCree and the McCrees acknowledge and understand that the FDCPA affords them
 13 certain rights in a garnishment proceeding. They further acknowledge that the United States served
 14 them notice of their rights. ECF No. 5, Certificate of Service. McCree, as defendant, and the McCrees,
 15 as community property owners of the Accounts, waive these rights, including, the right to claim
 16 exemptions, to request a hearing as provided in 28 U.S.C. §§ 3202 and 3205(c)(5), and to any other
 17 process to which they may be entitled under the FDCPA.

18. To implement their stipulation, the United States and the McCrees agree the Court should
 19 enter an order:

20. A. Garnishing the Accounts;
21. B. Directing Patelco to liquidate and pay the entire contents of the Accounts to the
 22 Clerk of the Court as set forth in the accompanying order; and
23. C. Terminating this garnishment upon the Clerk of the Court's receipt and posting of
 24 Patelco's payment to McCree's Judgment Balance.

25. The United States and the McCrees, in accordance with the provisions of Title 28, U.S.C.
 26 Section 636(c)(1), hereby voluntarily consent to have a United States Magistrate Judge conduct all
 27 further all further proceedings in this case, including trial and entry of final judgment, with direct review

1 by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

2 6. Debra McCree acknowledges she has had the opportunity to consult with counsel
3 regarding this stipulation and its proposed order.

Respectfully submitted,

5 FOR THE UNITED STATES OF AMERICA:

McGREGOR W. SCOTT
United States Attorney

8 || Dated: February 22, 2021

By: /s/ Kurt A. Didier
KURT A. DIDIER
Assistant United States Attorney

10 FOR THE DEFENDANT, MICHAEL MCCREE:

12 | Dated: February 22, 2021

/s/ Michael McCree (by permission)
MICHAEL McCREE

14 FOR THE DEFENDANT'S SPOUSE, DEBRA MCCREE AKA DEBRA FIELDS;

16 | Dated: February 22, 2021

/s/ Debra McCree (by permission)
DEBRA McCREE aka DEBRA FIELDS

18 APPROVED AS TO FORM AND CONTENT:

Dated: February 22, 2021

/s/ Todd D. Leras (by permission)
TODD D. LERAS, ESQ., counsel for defendant
Michael McCree

ORDER

The Court, having reviewed the court files and the signatories' Stipulation for Final Order of Garnishment of Bank Accounts (the Stipulation), and good cause appearing therefrom, hereby APPROVES the Stipulation. Accordingly, IT IS ORDERED that:

1. Defendant Michael McCree (McCree), and his spouse, Debra McCree aka Debra Fields', Patelco Credit Union (Patelco) savings and checking accounts ending in the last four numbers *68-00, *68-10, and *38-00 (the Accounts), are garnished.

2. Patelco, as garnishee, is directed to liquidate and pay to the Clerk of the Court, within 21 days of the filing of this order, the entire contents of the Accounts.

3. Patelco shall make its payment by delivering a cashier's check, money order, or company draft made payable the **Clerk of the Court** and mailed to the Clerk of the Court, United States District Court, 501 I Street, Suite 4-200, Sacramento, California 95814. Patelco shall state the case name and number (U.S. v. McCree, Case No. 2:12-cr-00279) on the payment instrument and, if it desires a payment receipt, shall include a self-addressed, stamped envelope with the payment.

4. Patelco shall include with its payment, a transaction record(s) showing that it has liquidated and paid to the Clerk of the Court the entire contents of the Accounts.

5. This garnishment shall terminate upon the Clerk of the Court's receipt and posting of Patelco's payment to McCree's judgment balance, and its receipt of the transaction records described above. In the interim, the Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary.

IT IS SO ORDERED.

Dated: February 24, 2021

Carol H. Delaney

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE